

**AMENDMENT**

Serial Number: 10/821,718

Filing Date: April 9, 2004

Title: Hydrogels used to deliver medicaments to the eye for the treatment of posterior segment diseases

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Docket: RH01.701US

**REMARKS**

The Official Action mailed June 12, 2008 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claims 1-14 and 20 were previously pending. Claims 1 and 4 have been amended. Claim 20 has been canceled. Claims 21-25 have been added. Claims 1-14 and 21-25 are currently pending. No new matter has been added.

Claim 1 has been amended to recite that the drug comprises a steroid and that it is used to ameliorate and/or stabilize neovascularization in the posterior segment. Dependent claim 4 now recites that the drug is selected from prednisolone, prednisone and hydrocortisone. New claim 21 depends from claim 1 and recites that the posterior segment disease is selected from diabetic retinopathy, macular degeneration, macular edema and vascular retinopathy. New independent claim 22 recites a hydrogel comprising an angiogenesis inhibitor that is capable of being passively released from the polymeric hydrogel while positioned on the eye in a therapeutically effective amount to ameliorate and/or stabilize neovascularization in the posterior segment. New claim 23 depends from claim 22 and recites that the angiogenesis inhibitor is a VEGF antagonist. New claim 24 depends from claim 22 and recites that the angiogenesis inhibitor can be angiostatic steroids, angiostatin or thalidomide. New claim 25 depends from claim 22 and recites that the posterior segment disease being treated can be diabetic retinopathy, macular degeneration, macular edema or vascular retinopathy.

The amendments and new claims are supported in the application as filed. No new matter has been added.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 5, 6 and 9-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,723,131 to Schultz et al (5,723,131). Previously added claim 20 was also rejected as being anticipated by 5,723,131. Amended independent claim 1 and new independent claim 22 do not recite a class of drugs that encompasses desferrioxamine. Withdrawal of the rejection is respectfully requested.

Claims 1-14 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0197300 to Schultz et al ('300) and evidenced by Osborne et al, Brain Research 751 (1997) 113-123 (Osborne). Amended independent claim 1 and new independent claim 22 do not recite a class of diseases that encompasses endophthalmitis. Withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

Claims 1-14 and 20 have been provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over the claims of several currently pending commonly owned patent applications. Applicant requests that this rejection be held in abeyance until the conclusion of prosecution on the merits.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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